



May 28, 2004

Chronology of Events Leading to NOAA Fisheries’ Hatchery Policy and Proposed Updated Listing Determinations

November 1991 - Snake River sockeye becomes the first salmon listed by NOAA Fisheries (then the National Marine Fisheries Service) under the Endangered Species Act. An additional 25 are listed by 1999.

April 1993 - NOAA Fisheries publishes a “joint interim hatchery policy” with the U.S. Fish and Wildlife Service in the Federal Register.

September 2001 – A federal court in Oregon rules in *Alsea Valley Alliance v. Evans* that the agency’s hatchery policy is flawed: the ESA doesn’t allow NOAA Fisheries to exclude hatchery stocks from a defined population of Oregon Coast coho listed under the ESA. In the same ruling the court invalidates the Oregon Coast coho ESA listing.

September 2001 – Beginning in September 2001 through April 2002, NOAA Fisheries receives eight petitions affecting 17 listed populations of salmon and steelhead from a variety of organizations requesting either that the agency de-list groups of salmon or re-define salmon populations to include only wild fish.

November 2001 – Following a decision by NOAA Fisheries not to appeal the federal court’s ruling, a group of environmental plaintiffs sues and is granted “intervener” status and immediately appeals to the Ninth Circuit Court of Appeals. The Court of Appeals stays the lower court’s ruling until it makes a decision, thus putting Oregon Coast coho temporarily at least, back on the ESA list.

November 2001 – Because the district court’s interpretation of ESA has wide import beyond the Oregon Coast coho listing, NOAA Fisheries announces it will conduct biological status reviews of all salmon and steelhead West Coast listings and will rewrite its hatchery policy to bring it into accord with the court’s ruling.

February 2004 – The Ninth Circuit Court denies the environmental plaintiffs’ appeal, in effect upholding the district court’s 2001 opinion and lifts its stay of that court’s ruling; however, the formal lifting of the stay, known as a mandate, has not yet been formally issued by the court, meaning that the Oregon Coast coho is still listed as “threatened” under the ESA.

May 28, 2004 – NOAA Fisheries issues its hatchery policy for public comment and publishes its proposed decisions on 27 salmon and steelhead populations on the West Coast.

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